

UNITED STATES DISTRICT COURT

for the

Middle District of Georgia

United States of America

v.

Jose Alfredo Martinez

Date of Original Judgment: 01/26/2016

Date of Previous Amended Judgment: 03/20/2020

(Use Date of Last Amended Judgment if Any)

Case No: 7:14-CR-00048-002

USM No: 97741-020

Robert E. Walker

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2) (Amendment 821)**

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by Amendment 821 to the *United States Sentencing Guidelines*, and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 169 months is reduced to 152 months.

Martinez was originally sentenced on January 13, 2016, to a term of 200 months imprisonment followed by five-year term of supervised release. The Court determined that his total offense level was 37 and his criminal history category was III, which yielded an advisory sentencing range of 262 to 327 months. He benefitted from USSG §5K1.1 and was sentenced to 200 months, which was a 24% reduction from the bottom of the guideline range. At sentencing, his criminal history subtotal was 3. Two additional criminal history points were added for being under a criminal justice sentence when he committed the instant Federal offense. This resulted in 5 criminal history points which yielded a criminal history category III. Further, the defendant benefitted from a Rule 35 reduction. On March 17, 2020, the Court reduced the term of imprisonment from 200 months to 169 months of imprisonment, which was a reduction of 15%.

Based on retroactive Amendment 821, Part A to the *United States Sentencing Guidelines*, defendants with less than seven (7) criminal history points receive no increase in points for being under a criminal justice sentence when the instant offense was committed. Martinez' criminal history score would be reduced to three, which results in a criminal history category II. A total offense level 37 with a criminal history category II, yields an advisory sentencing range of 235 to 293 months. The government concurs with this assessment and recommends the defendant receive the maximum benefit of this reduction, including reductions for the 5K1.1 and Rule 35 as previously awarded. The Court grants the motion and reduces the imprisonment portion of the sentence to 152 months.

Except as otherwise provided, all provisions of the judgment dated 03/20/2020 shall remain in effect.

IT IS SO ORDERED.

Order Date: 2/12/2024

s/Hugh Lawson

Judge's signature

Effective Date: 2/12/2024

(if different from order date)

Hugh Lawson, Senior U.S. District Judge

Printed name and title